

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

- Group I: Claims 1-22 and 31, drawn to indazolyloxy-piperidinyl compounds and composition, classified in class 546, subclass 199;
- Group II: Claims 23, 25, 27-29, drawn to process I of making formula I, classified in class 544, subclass various, depending on species election;
- Group III: Claims 24, 26, 33-35, drawn to process II of making formula I, classified in class 546, subclass various, depending on species election; and
- Group IV: Claim 30, drawn to intermediate, classified in class 546, subclass 546.

Applicants provisionally elect Group I, Claims 1-22 and 31, drawn to indazolyloxy-piperidinyl compounds and compositions, with traverse, on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the four groups.

Moreover, the M.P.E.P. at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Finally, Applicants respectfully submit that, should the claims of Group I be found allowable, the Office should expand its search to the claims of Groups II, III and IV.


Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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